

SPECIAL MEETING of the CORNWALL TOWN BOARD was held on the 24th day of July, 2013, at Munger Cottage, 183 Main Street, Cornwall, NY 12518

PRESENT: Supervisor
Councilpersons

D. KEVIN QUIGLEY
ALEXANDER MAZZOCCA
ELIZABETH LONGINOTT
RANDOLPH CLARK
MARY BETH GREENE

Also PRESENT: STEVE GABA, representing attorney for Town JAMES R. LOEB Esq., and LESLIE DOTSON, representing Planning Consultant for Town Garling Associates.

PLEDGE of ALLEGIANCE

Public Comment – Agenda Items – None

Agenda Item #1 – Resolution – Community Development FY – 2014 Block Grant – Supervisor QUIGLEY read the resolution as follows: WHEREAS, the Town of Cornwall applied for funding under the Fiscal Year 2014 Orange County Community Development Block Grant (“CDBG”) program for improvements to Tamara Lane, and WHEREAS, the Town’s Consulting Engineer has requested that the Town Board authorize going to bid for Phase 2 of the Tamara Lane Improvements Project, and WHEREAS, the project will be funded by Community Development Block Grant monies, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby authorize the solicitation of bids for Phase 2 of the Tamara Lane Improvements Project, and BE IT FURTHER RESOLVED that the Town Board does hereby authorize the Town Supervisor and the Town’s Consulting Engineer to set the date and time when the bids will be publicly opened and read aloud. A motion to approve was made by Councilwoman GREENE, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #2 – Resolution – Black Rock Forest Consortium Grant – Supervisor QUIGLEY advised that the Consortium was looking for a letter of support from the Town regarding their grant request. WHEREAS, BLACK ROCK FOREST CONSORTIUM (“Black Rock”) is applying to the New York State Office of Parks, Recreation and Historic Preservation for a grant under the Recreational Trails Program to be located near Reservoir Road in the Black Rock Forest, a site located within the territorial jurisdiction of this Town Board, and WHEREAS, as a requirement under the rules of these programs, Black Rock must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located. NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board of the Town of Cornwall does hereby approve and endorse the application of Black Rock for a grant under the Recreational Trails Program known as Black Rock Forest Public Access Pathway. A motion to approve was made by Councilwoman GREENE, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

Agenda Item #3 – Cornwall Commons – Supervisor QUIGLEY advised that this was a continuation of the last meeting that was held at the middle school, and that the developer would now have a chance to respond to the comments that were made by members of the public. Mr. Amato advised that this was an approved plan by the Planning Board, by the Town Board, by Orange County Planning Department, and by several State and Federal agencies. The Town decided to do a Comprehensive Plan which was reviewed by Mr. Amato, upon which he decided to modify the plan for Cornwall Commons based on the

recommendations of the Town's Comprehensive Plan Update. Mr. Amato advised that as stated in the Comprehensive Plan, the market for the restricted housing was very limited because people age 55+ lost value in their homes and their stock portfolios, and had to continue working longer than they anticipated. Mr. Amato added that as a result of this market change, New Windsor, Goshen, Middletown and many communities in New Jersey opted to eliminate the restriction to 55+. Mr. Amato stated that with that in mind, as well as with the recommendations of the Comprehensive Plan, he was asking that we eliminated 78% of the housing be changed to non-restricted and 22% remain restricted for 55+. Mr. Amato advised that there would be no difference to the site plan or the water usage other than the addition of school age children. Mr. Amato stated that the studies were not based on age restricted housing. Mr. Amato stated that according to the Rutgers study, he believes that the number of school age children should be between 148 to 158. Mr. Amato further stated that he went to the Town's Planning Consultants, Garling Associates and their numbers were also very similar. Mr. Amato said that they went to Orange County Planning Department and they came back with the same number of kids. Mr. Amato advised that he went to the Board of Education and their number came out to 409 kids originally, and then after the second meeting, the Board of Education came down to 277 school age children. Mr. Amato admitted that he and the Board of Education disagree on the number of kids as well as State aid that will go to the school district. Mr. Amato stated that currently the people of the Town of Cornwall are subsidizing the children from the Town of New Windsor and the Town of Woodbury by some \$3,000, and that perhaps we should be talking about re-districting; the Cornwall enrollment has dropped, while the enrollment from New Windsor has increased. Mr. Amato stated that we have less married and single people in the Town of Cornwall; according to the census, we need to have more married people come to Cornwall and more single people remain. Mr. Amato added that less people equal higher taxes, and he feels that the Cornwall Commons project can help. Mr. Amato advised that he has agreed to help the sewer plant needed for this project by giving the Town \$200,000.00, of which a check of \$100,000.00 has already been given to the Town. Also, for each certificate of occupancy, a check for \$1,600 to \$2,000 per family will be put into a recreation fund; the total would be \$828,000.00. In addition, Mr. Amato advised that the Commons will have its own recreational facilities. Mr. Amato advised that he hoped that he had addressed all the concerns mentioned previously by the public and was willing to answer any questions.

Mr. Craig Ellick had the following questions/comments to make:

Where was the Rutgers Study was based?

How do you get 147 children from a 490 unit project?

With all the houses/real estate available already why do a new project.

Mr. Amato advised that he would defer to the Town's Planning Consultant regarding the Rutgers study, but as far as if people will buy into the commons or not, the houses will not be built on speculation but will be built as sold.

Ms. Leslie Dotson advised that Rutgers study was based on the North Eastern region including several different municipalities.

Mr. Andrew Genna agreed that this plan was approved in a different form by a different Board, but has certainly not been approved by this Town Board. Mr. Genna stated that he was fine with leaving this project as per the original approval for a Planned Adult Community restricted to age 55+ but, is not fine with changing it to 78% non-restricted and 22% age restrict just because Mr. Amato made a bet when he bought this property and the financial landscape changed and now Mr. Amato as a business man wants the people of the Town of Cornwall to pay for it. Unfortunately, a lot of the existing residents in

Cornwall think that this will raise our taxes, and to that we say no. Mr. Genna added that you could site all the studies that you want, but the fact of the matter is that people have babies and babies eventually go to school.

Mr. Amato responded that the numbers submitted by him are not figments of his imagination but proven studies and he suggested that people take the time to read it.

Ms. Eileen Hartmen wanted to know what happened if the project doesn't sell, does that mean that then the commercial end of it will not sell either and where will that leave the Town.

Mr. Amato responded that he would have to complete almost 60% of the infrastructure first before the first house can be built, and that they will actively market the commercial end immediately.

Mr. Rick Lisker advised that 80% non-restricted units would equal 390 units and even if you said 1 ½ kids per house would equal more than 500 kids and to say that families will not use more water or sewer, or use up more parking spaces does not make sense. Mr. Lisker also stated that if only 100 homes get sold, then the Town would not have the tax revenue coming to them.

Mr. Jacobowitz advised that if only 100 houses were sold, then you would not have the same amount of children entering the school district. Mr. Jacobowitz added that of the 490 units, 162 are multi dwelling units consisting of apartments, townhouses, or condominiums. These are not single family detached homes; 14 of them are three bedroom units but are designated for age restricted 55+. Of the others, 50 of those are age restricted and the other units are for market and will be a mix of bedroom counts. Of the 314 single family detached units, 50 are also slotted for age restricted 55+.

Ms. Christine Amato advised that all the original studies on the water / sewer/ traffic were done on family homes not age restricted housing.

Mr. Amato added that 700 + parking spots were added which is above what is required.

Ms. Blanche Drapin advised that statistics are subject to interpretation and that two people could look at it and come up with different figures and she feels that the Rutgers study is not an accurate guide for us to use. As an example, Stonehollow was supposed to be a great development, and now it has cinder blocks, pipes, trailers all over the place. Ms. Drapin wanted to know what guarantee the developer had to offer so that if the units do not sell that we would not be left with another Stonehollow. Mr. Amato advised that they have to put up an improvement bond and if they do not clean up, then the Town would seek recovery from that bond.

Mr. Bill Braine wanted to know when the last update was done to the Rutgers study. Ms. Leslie Dotson advised that it was updated in 2006. Mr. Braine advised that that study is not representative of our area as compared to New Jersey.

Ms. Christine Amato advised that this specific study was based on parts of New York and is the one study that the County uses for every single development that would add children to a school district.

Ms. Dotson agreed that this was the study used unless a municipality chose to use their own local study.

Mr. Braine responded that the school has done a local study based on three developments, Quaker Mill, the Reserve and Forest Glen, and their numbers greatly differ from Mr. Amato's

Attorney Jacobowitz advised that the school district did not do a study. They took three developments two out of the Town, one in the Town that they used; that is not an adequate sample; not relevant to this project; this is a compellation that should be analyzed, but it is not a study.

Ms. Christine Amato advised that the State Education Board gave Cornwall \$8.2 million in state aid in 2000 when the enrollment was 2,849 children. In 2010 the aid was increased to \$14.9 million, and finally in 2013 the amount of aid received was \$15.9 million so Foundation aid might be frozen but other types of aid are not.

Mr. Braine requested that the Town Board invite Mr. Harvey Sotland to attend the next meeting and explain how he arrived at his numbers. Councilman CLARK responded that he would love to meet with Mr. Sotland.

Mr. Mike Jackson asked the builder, that besides the intent to make a lot of money, was there any personal reasons that he wanted to take such a large piece of Cornwall and do this project.

Mr. Amato responded that he loved the community and was very proud of the Cornwall Commons project; he believed it was very well thought out plan with cluster zoning, lots of green spaces left over, it pays for itself and brings money to the Town and school, very consistent with the Comprehensive Plan, hotel site plan, senior care site plan, and is an all around good project for the Town of Cornwall.

Mr. Dave Work wanted to know what bonds are we looking for on this property that will ensure completion, so that it doesn't end up like some of the other unfinished projects around Town.

Attorney STEVE GABA added that there are different types of bonds, performance, maintenance, landscape, infrastructure etc.

Mr. Jacobowitz advised that this is a 5 to 8 year project with no clear-cutting to be done. The project will be done in phases, infrastructure first, then the different types of housing and commercial.

Mr. Bill Webber wanted to know what percentage of homes would be built in the first year.

Mr. Amato responded that it would be based on sales.

Mr. Greg Whalen advised that he was a member of the school board and that the school board was neither for or against the project but that he was in favor of age restricted housing. Mr. Whalen stated that the numbers given by Mr. Sotland were a much more accurate because they were local and not based elsewhere and these numbers would help us see how this project would impact the schools.

Ms. Christine Amato advised that the Hudson Valley has lost 25 schools in the last couple of years because families are leaving.

Mr. Thomas Bregman wanted to know if the number of school age children will be 148 or 277 or was it some other number altogether? Mr. Bregman stated the difference between these two numbers is the difference of the property owners in this room subsidizing this development or not. Mr. Bregman added

that the assumption that we will get state aid is just that, an assumption; we do not know. Mr. Bregman strongly recommended that the Town Board speak with Mr. Sotland, and bring in the experts that we can rely on before making a decision.

Mr. Andrew Genna stated that he was shocked that the Town Board has not had a meeting with the school board. Mr. Genna and Mr. Jacobowitz discussed how many family units total there would be and came up with the number of 308. Mr. Genna stated that he believed that out of 308 units we would get at least 1 child per unit. Mr. Jacobowitz stated that we would not have 1 child per unit according to the studies they had done.

Mr. Simon Gruber pointed out that he called the Orange County Planning Department and asked for guidance on how to interpret the Rutgers Study. Mr. Gruber was told that the study is used as a source of information when there is no other data available. The study is somewhat dated and based on New Jersey. Mr. Gruber was additionally informed that if he could get better data, then he should use it. Mr. Gruber stated that he hoped that the Town Board would do the homework and make up their own mind and perhaps hire an independent consultant and converse with the school board before making any decisions.

Mr. Craig Furtel stated that we should try to learn from history, and reminded everyone of what Gerry Gage said at the last meeting, that every developer always says this is a no brainer and a great deal, but what happened in reality was that the taxes went up, seniors moved out and more families moved in which increased the burden more.

Ms. Christine Amato advised that that was in Rockland County and it was a fact that Cornwall has been losing kids for years.

Mr. Dave Ramie stated that his gut instinct was telling him that the developer should have hired a PR firm or had his daughter do all the talking because the developer and his attorney were off-putting and giving a desperate sales pitch and were somewhat hostile in their approach.

Ms. Carol Logia addressed the claim that families and singles are moving out of Cornwall, and wanted to know why they would consider purchasing a unit in Cornwall Commons if they were all leaving Cornwall.

Mr. Amato responded that he would like to believe because it was a good plan put together by a lot of good people which conforms to how developments should be designed with cluster design, smaller houses and apartments for singles. Mr. Amato also believes in the commercial end of the project, as well as the recreational facilities would draw both families and singles to buy.

Ms. Elizabeth Eldwidge advised that she felt that the developer was not coming across in a nice way and was offended by the way the presentation has been going; she stated she felt that the developer and his attorney were condescending, insistent upon certain issues, and had a bad attitude. Ms. Eldwidge stated that the plans that were approved were for a 55+ age restricted housing and the developer keeps minimizing this very significant change of not being 55 and over. Ms. Eldwidge stated that as a resident of the Town for 30 years she could pretty much tell us that all the developments over the years have never had accurate projections. Ms. Eldwidge added that the financial apocalypse of 2008 has made people jaded about some of the things that the developer is saying, and as a business person it made sense that the developer is reassuring the public about his figures and what not. Ms. Eldwidge suggested that the developer put in for 100% of the infrastructure, and cut a check for what he would get if he sold everything, and then maybe she personally would believe that the developer would

then have a real vested interest in completing this project. Ms. Eldwidge advised that the developer was betting that this was going to come to pass and she did not believe in it.

Mr. Amato advised that it took 11 years to get the approval for the original project. Mr. Amato stated that as per the Comprehensive Plan there are a lot of properties in the Town that are tax exempt and he took his plan and molded it around the goals of the plan.

Ms. Christine Amato stated that she took great offense to the comments made about her father and their attorney, she admitted that while they may not speak to you the way you may want; they are frustrated; they have been at this for 13 years. Ms. Amato stated that just a few weeks ago we sat in the school auditorium for 2 hours listening to both opinions as well as personal attacks, and when you ask why my father is doing this; why do you get up every morning and go to work; this is his job, and he is trying to do the best job he can for the Town and for himself. Ms. Amato stated that they are willing to follow the process and will answer all the questions, but there is no reason for personal attacks.

Ms. Stacy Piskowsky wanted to know what happens if the Town Board does not approve this zoning change, was there a backup plan.

Mr. Amato stated that there is no backup plan, and added that the two big documents he submitted to the Town explain all the questions and he believes this was a good plan for the Town.

Ms. Joanne Washington wanted to know what studies were used to change the zoning from the planned adult community to non-restricted and wanted to know why the public should trust that the plan was going to succeed.

Mr. Amato advised that senior housing was successful prior to 2008. Both the economy and housing market was good, so seniors were able to retire early, sell their homes and move into adult communities. After 2008 the housing market crashed, seniors learned that could not retire, had to keep working and that their homes were worth significantly less. Mr. Amato stated that in the Town Comprehensive Plan sets goals for the zoning of the Town and they have embraced this with the zoning change to the project.

Mr. Andrew Genna wanted to know how soon the Town Board was going to vote on this issue.

Attorney STEVE GABA advised that the Town Board would have to introduce a local law if interested, hold a public hearing on the zoning change, do a SEQRA determination, and then perhaps the law could be adopted if the Board so chose.

Mr. Genna advised that it was pretty evident what the wishes of the community were as far as the project and hoped the Board would make the right vote or be prepared to face the consequences.

Mr. Jeff Small stated that he was upset because it seemed like this project was a bait and switch. Mr. Small stated that you can't make such a significant zoning change without changing the plan. Mr. Small explained that this project is not the same as traditional housing; they function differently. Mr. Small stated that when he heard that the Planned Adult Community was set up to use the same amount of water, sewer and traffic as a regular family development; it almost seems like a bait and switch was in the works from the beginning.

Mr. Rick Gioa stated that he wanted to touch on the wisdom of governance and wanted to know what the Board had learned from the Canterbury Green project to help you formulate how we go forward in a wise way. Mr. Gioa advised that we are all stuck with that eyesore; who knows when it will get done, and yet in the beginning it was supposed to be the next best thing to sliced bread.

Mr. Anthony Incanno stated that he understood the frustration on both sides, stated that you have to understand that the residents of Cornwall are also frustrated because of the high taxes, and are afraid of what will happen with the school taxes is there is a huge increase of school children. Mr. Incanno advised that there are misunderstandings on both sides. Mr. Incanno admitted that our schools are good, but because of that a lot of people move here just until their kids go through the school system, and when they are done, they move away because the taxes are too high. Mr. Incanno wanted to know what guarantees/controls do we have to protect ourselves. Mr. Incanno stated that he would like to see something built, maybe a smaller project or something broken up between commercial and residential, but scaled down. Mr. Incanno stated once again that Mr. Amato should put up a large enough bond guaranteeing this project. Mr. Incanno added that Mr. Amato is going to pay \$200,000.00 toward the maintenance of the sewer system for 490 units, but as we know from the Valley Forge project, it cost \$900,000.00 to build a sewer plant. Mr. Incanno stated that he personally called Rutgers in the past to get information about their study and they would not answer any of his questions.

Attorney STEVE GABA advised that he understood that the Board now wanted to meet with the school board but stated that the following questions needed to be addressed when the Board was ready to vote on the zoning change:

1. Is the zoning change consistent with the Comprehensive Plan, is there balance in the array of housing, and does the housing meet the needs of the Town of Cornwall. Also, does the housing keep with the small town feel/ character of Town of Cornwall? Does the Town need this type of project? What are the impacts on the community services; i.e., schools.
2. Mr. GABA advised that the consultants were not 100% satisfied with the breakdown of 78% non age restricted and 22% age restricted – where did these numbers come from? Why not 50/50 or 60/40? Is there a need for a housing study?
3. The Fair Housing Act needs to be looked into more thoroughly. Is the recreation space and layout sufficient now that there might be a change to zoning, and we are now looking at families instead of seniors?
4. Should the Board adopt this zoning change or something close, but with stipulated changes?

Ms. LESLIE DOTSON advised that she agreed with Mr. GABA, and advised that she still needs to review the latest packet from the developer.

Mr. Doug Land asked the Town Board as a matter of information, what their thoughts were and how they felt now having heard from the developer and more of the public.

Supervisor QUIGLEY advised that we have a lot to look into yet, as well as set a meeting with the school board and eventually move forward.

Councilwoman GREENE advised that she put her thoughts in writing to the editor at the Cornwall Local.

Councilman CLARK stated that it was not a mystery as to how he felt, especially after counsel asked the first two questions, does it fit the needs and the character of the community. Mr. CLARK advised that the Board should be able to answer those two questions without a whole lot of research, and thought it would be appropriate to answer those questions, and if we come to a consensus, as he tried to get to at the last meeting, it doesn't matter which school numbers you look at or how many questions you ask, because if the Board feels that this project does not fit the needs or the character of our Town; then it's a moot point.

Councilwoman GREENE advised that she believes that this should be done in two phases with the zoning phase first, and she was willing to make a motion to do a zoning review, and have the Town's consultants get us that information, set up a public meeting to review what the consultants do for the zoning review, get the information to the public. Ms. GREENE put in the form of a motion that the phases should be the zoning phase first, and then look at what we are going to do with the property and then have the developer meet the zoning requirements that the Town had set forth.

Councilman CLARK advised that we didn't have to go through the trouble of a review. Mr. CLARK advised that he was in favor of the project just not 80/20, and would like to see the developer get some consensus of are we going to grant the zoning change before us in the form of 80% non restricted and 20% age restricted, or inform the developer that we are interested in the project, but not at 80/20 and for them to come back with a plan that might be more conducive to the community and this Board.

Councilwoman GREENE stated that we should not consider the project first because there is no zoning at this time for that project. Councilwoman GREENE again made the motion to implement the zoning review, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Councilmen CLARK & MAZZOCCA – Nay, Councilwomen LONGINOTT, GREENE and Supervisor QUIGLEY – Aye. Motion carried.

Attorney GABA asked Councilwoman GREENE what exactly was she looking for.

Councilwoman GREENE responded that she was looking for a zoning review for the property to determine what changes should be made to the property.

Mr. GABA asked are you talking about the consistency to the Comprehensive Plan.

Ms. GREENE stated yes.

A motion to adjourn was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye. Meeting adjourned at 9:45 P.M.

Renata McGee
Town Clerk